

Board of Respiratory Care Examiners Board Meeting Minutes

Regularly Scheduled Meeting of October 20, 2011

Thursday, October 20, 2011, 9:00 a.m.
Basement Conference Room B-1
1400 W. Washington, Phoenix, AZ 85007

Board Members Present:

Vice Chair John O'Donnell

Charles Ramirez

David Sanderson

Becky Brimhall

Tracy Cagan

Jose Gonzales

Jeanette Kieffer

Board Members Absent:**Staff Present:**

David Geriminsky

Valarie Wallace

Legal Counsel:

Nancy Beck

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Authored by: Valarie Wallace

Recommended by: David Geriminsky

Board of Respiratory Care Examiners Board Meeting Minutes

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CALL TO ORDER

The Meeting was called to order at 9:00 a.m. by Board Vice-Chair John O'Donnell.

CONSENT AGENDA

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All items listed with "C" are considered to be routine or have been previously reviewed by the Board of Respiratory Care Examiners, and will be enacted by one motion. There will be no separate discussion of these items unless a Board member so requests; in which event the item will be removed from the Consent Agenda, and placed in the Regular Agenda under Item R-2.

MOTION ON THE CONSENT:

There being no items requested to be removed, a motion was made by **David Sanderson** to approve all items on the Consent Agenda. **Jeanette Kieffer** seconded. **The Motion Passed**

C-1 APPROVAL OF MINUTES

Recommended for Approval

September 15, 2011

September 21, 2011 Conference Call

C-2 ACTION ON APPLICATIONS FOR LICENSURE

i. Permanent License Issuance

Recommended for approval by the Executive Director

Brenda Alvarez	Melodie Anderson	Maegan Arrowood	Graham Benner
Yanele Benitez-Albarran		Regina Bernasconi	Jessica Bonett
Ashtin Diehl	Clarissa Echave	Gina Franklin	Kellie Gossard
Colleen Gusler	Janvia Kanizar	Vanessa Kingsfield	Donald Lenz
Alejandra Lopez	Inecilia Medrano	Florence Ngethe	Laia Ohiser
Jean Palumbo	Carrie Parks	Christopher Primerano	Morgan Reynolds
Jami Roberts	Jerry Robles	Adele Sanchez	Synthia Stubbs
Frank Tarango	Brent Wheeler		

ii. Re-Application for Permanent Licensure

Recommended for approval by the Executive Director

Lisa DiSalvo Elizabeth Riedl

iv. Ratification of Temporary License Issued pursuant to A.R.S. § 32-3521

Recommended for Ratification by the Executive Director

Shane Alkire	Angela Baker	Robert Braaksma	Christopher Butts
Courtney Cox	Christal Ehlers	Tighe Ellis	Shannon Horn
Michael Korzeniewski	Jan Lott	Ana Perez	Vicki Reed
Christopher Ross	Carrie Saldin	Kylen Schuetzle	Nathan Smith
Christopher Tillett	Toya Wolo		

iv. Ratification of Temporary License Extension Issued pursuant to A.R.S. § 32-3521

Recommended for Ratification by the Executive Director

None

C - 3 ACTION ON ADMINISTRATIVE CLOSING OF APPLICATION FILES

Recommended for closing of application files

Christopher Burz George Eldridge Sharelle Morton

C - 4 ACTION ON ADMINISTRATIVE CLOSURE OF TWO-YEAR INACTIVE FILES

Recommended for closing of inactive files

Roel Angeles	Evelyn Benitez	Peggy Busby	Jeremy Canary
Megan Cavens	Zenaida Cervantes	Victoria Fabris	Jaime Faretta
Sherry Fernandez	Maria Gumulka	Candida Iannelli	David Koda
Kimberly Lambert	Noel Landas	Suzanne Maitre	Wade Mason
Clifford McNab	Laurie Miller	Michael Pfeifer	Stephanie Rodriguez
Kathleen Shurr	George Travis	Carol Wermes	

C - 5 ACTION ON NOTICES OF LICENSE EXPIRATIONS

Recommend sending notice of License Expirations to the following individuals:

Margaret Arnold	Van Bouttirath	Peggy Cameron-Effort	Stephanie Campos
Lisa Christensen	Alexandria Cordova	Laraine Curley	Kristen Dessario
Adriana Herrera	Courtney Hinrichs	Vail Holdman	Phillip Kelley
Cheryl Kind	Rebekah Lizalde	Terrence Mallory	Angela Nelson
Madeline Ramsey	Mindy Retherford	Steffany Sanders	Ivan Serna
Danielle Smith	Herbert Taylor	Luis Valerio	Michael Wunder

C - 6 ACTION ON RATIFICATION OF RENEWAL OF LAPSED LICENSES

Recommended to ratify licenses issued by the Executive Director to individuals who met requirements for renewal

Louise Potter

C-7 ACTION ON RATIFICATION OF CONSENT AGREEMENTS AND LETTERS OF WARNING ISSUED

Items listed here will be proposed documents for the Board's consideration. The Board may choose not to ratify these documents, remove them from the Consent Agenda, and place them in the Regular Agenda under Item R-2.

Stipulation and Consent Orders, and Letters of Warnings Issued, once ratified by the Board shall constitute public records which may be disseminated as formal actions of the Board.

A. Decision on Accepting Proposed Consent Agreements

None

B. Decision on Accepting Proposed Letters of Warning Issued

None

C -8 ESTABLISH DATE AND TIME OF NEXT BOARD MEETING

Scheduled date of next Board Meeting

Thursday, November 17, 2011, at 9:00 a.m.

REGULAR AGENDA

R-1 DISCUSSION/ACTION ON EXECUTIVE DIRECTOR'S REPORT

i. Board Office Highlights

ii. Board Staff Highlights

- Merit increase for Board staff
 - o Request for Merit increase was for Board staff member, Valarie Wallace. Mrs. Wallace has not had a merit increase since November 17, 2005. Since that time, Mrs. Wallace has taken responsibility for the licensing, probation and investigations department. Mrs. Wallace has and continues to make changes to each department to ensure that licenses, probation and investigations run smoothly and in a timely manner. Mrs. Wallace has revamped how the probation and investigations department are conducted. The probation department now has different programs for each of the different orders that are issued including a new drug screen program. Mrs. Wallace has updated all the forms used in the investigations, including a new investigations checklist to ensure steps are not missed or information missing prior to the scheduled Board meeting.

Board members reviewed the Pay Plan Salary Increase Form. After discussion, David Sanderson moved to approve the merit increase for Valarie Wallace. Jeanette Kieffer seconded. Chuck Ramirez voted Nay. The motion passed.

R-2 DISCUSSION/ACTION ON ITEMS REMOVED FROM THE CONSENT AGENDA

None

R-3 DISCUSSION/ACTION ON APPLICATIONS FOR LICENSURE/RENEWAL

A. Application for Licensure/Interview

1. John Bond Case Number A002840-12-010150

Mr. Bond was invited to the Board meeting and was present. The Executive Director provided an overview of Mr. Bond's application, stating that he is eligible for licensure. After discussion, **David Sanderson** moved to grant Mr. Bond a license to practice respiratory care. **Charles Ramirez** Seconded. **Board Vice-Chair John O'Donnell** voted Nay. **The motion passed.**

2. Larry Mims Case Number A002847-12-010167

Mr. Mims was invited to the Board meeting and was present. The Executive Director provided an overview of Mr. Mims' application, stating that he is eligible for licensure. After discussion, **Becky Brimhall** moved to grant Mr. Mims a license to practice respiratory care. **David Sanderson** seconded. Board Vice-Chair John O'Donnell voted Nay. **The motion passed.**

3. Henry Rivas

Case Number A002838-12-010043

Mr. Rivas was invited to the Board meeting and was present. The Executive Director provided an overview of Mr. Rivas' application, stating that he is eligible for licensure. After discussion, **Tracy Cagan** moved to grant Mr. Rivas a license to practice respiratory care. **Jeanette Kieffer** seconded. **The motion passed unanimously.**

R-4 CONSIDERATION AND ACTION ON INVESTIGATIONS OF POSSIBLE UNPROFESSIONAL CONDUCT

1. Thomas Buzan

Case Number C002839-12-007902

Mr. Buzan was invited to the Board meeting and was present. The Executive Director explained the allegations against Mr. Buzan. Mr. Buzan reported on his 2011 Renewal Application that he was convicted of a misdemeanor DUI in 2010. After discussion, **Jeanette Kieffer** moved to invite Mr. Buzan to an informal interview. **Board Vice-Chair John O'Donnell** seconded. Becky Brimhall and Jose Gonzales voted Nay. **The motion passed.**

2. Dwain Northey

Case Number C002846-12-007409

Mr. Northey was invited to the Board meeting and was not present. The Executive Director explained the allegations against Mr. Northey. Mr. Northey violated HIPPA while on a clinical site for his current employer, Kaplan College. After discussion, **Charles Ramirez** moved to invite Mr. Northey to an informal interview. **Tracy Cagan** Seconded. **The motion passed unanimously.**

3. Karl Pustai

Case Number C002836-12-005227

Mr. Pustai was invited to the Board meeting and was present. The Executive Director explained the allegations against Mr. Pustai. Mr. Pustai was the supervisor for Nathan Smith, who worked 27 shifts without a valid license to practice. After discussion, **Chuck Ramirez** moved to issue a Letter of Concern and offer a stipulated consent agreement that includes a fine of \$150 for letting an employee work that many shifts without a license. If Mr. Pustai fails to accept the Consent Agreement, he will be invited to an informal interview. **Becky Brimhall** seconded. Board Vice-Chair John O'Donnell and Jeanette Kieffer voted Nay. **The motion passed.**

R-5 CONSIDERATION AND ACTION ON INFORMAL INTERVIEWS PURSUANT TO A.R.S. § 32-3553(G)

1. Michelle Berry

Case Number C002786-12-007736

Ms. Berry was invited to the Board meeting and was present. The Board reviewed the allegations against Ms. Berry. Ms. Berry was terminated from West Valley Hospital for unprofessional conduct toward patient families and co-workers.

After discussion, **Charles Ramirez** moved to issue Ms. Berry a Letter of Concern. **Becky Brimhall** seconded. **The motion passed unanimously.**

2. Lori Carson

Case Number C002763-11-007210

Ms. Carson was invited to the Board meeting and was not present. The Board members reviewed the information. After discussion, **Jeanette Kieffer** moved to table this matter until the Board office received the subpoena information that was requested. **Tracy Cagan** seconded. **The motion passed unanimously.**

3. Sean Friel

Case Number C002781-12-001578

Mr. Friel was invited to the Board meeting and was present. Board members reviewed the information. Mr. Friel failed to report a termination of an employee and criminal traffic violations.

After discussion, **Board Vice-Chair** moved to dismiss the allegations against Mr. Friel. **David Sanderson** seconded. **The motion passed unanimously.**

4. Leslie Gurule

Case Number C002771-11-003647

Ms. Gurule was invited to the Board meeting and was present. Ms. Gurule was terminated from Mt. Graham Regional Medical Center for a positive drug screen. Ms. Gurule signed an Temporary Agreement not to Practice in June of 2011

After discussion, **David Sanderson** moved to terminate the temporary agreement not to practice and dismiss the allegation against Ms. Gurule. **Jeanette Kieffer** seconded. **Board Vice-Chair John O'Donnell** voted Nay. **The motion passed.**

5. Mitchell Hartin

Case Number C002766-11-007413

Mr. Hartin was invited to the Board meeting and was present. Mr. Hartin disclosed on his 2011 Renewal application that he was convicted of a misdemeanor DUI in 2010.

After discussion, **David Sanderson** moved to dismiss the allegation against Mr. Hartin. **Charles Ramirez** seconded. Tracy Cagan voted Nay. **The motion passed.**

6. Stanford Higa

Case Number C002796-12-005444

Mr. Higa was invited to the Board meeting and was present. Mr. Higa was terminated from St. Joseph's Hospital and Medical Center for failing to provide ordered therapy.

After discussion, **Jeanette Kieffer** moved to dismiss the allegation against Mr. Higa. **Jose Gonzales** seconded. **The motion passed unanimously.**

7. Jennifer Keenan**Case Number C002649-11-009014**

Ms. Keenan was invited to the Board meeting and was present. Ms. Keenan was terminated from Banner Desert Medical Center for HIPPA violations.

After discussion, **Tracy Cagan** moved to dismiss the allegation against Ms. Keenan. **Jose Gonzales** seconded. Charles Ramirez voted Nay. **The motion passed.**

8. Jessica Middaugh**Case Number C002775-11-008744**

Ms. Middaugh was invited to the Board meeting and was not present. Ms. Middaugh was terminated from Scottsdale Healthcare for being impaired on duty and testing positive for illegal substances on a drug screen she conducted on herself.

After discussion, **Charles Ramirez** moved to issue a Formal Complaint and Notice of Hearing for Ms. Middaugh. **David Sanderson** seconded. **The motion passed unanimously.**

9. Gary Spragg**Case Number C002721-11-001455, at 11:00 a.m.**

Mr. Spragg was invited to the Board meeting and was present via telephonically. Mr. Spragg was terminated from Tucson Medical Center for an alleged impairment while on duty and admitting to over medication himself.

After discussion, Charles Ramirez moved to issue a Letter of Concern for reported to work with the appearance of being impaired. Board Vice-Chair John O'Donnell seconded. Becky Brimhall, Jeanette Kieffer, and Jose Gonzales voted Nay. The motion passed.

R-6 CONSIDERATION AND ACTION ON FORMAL COMPLAINT HEARINGS PURSUANT TO A.R.S. § 32-3553(H)

1. Scott Reed**Case Number C002671-11-009555**

Mr. Reed was invited to the Board meeting and was present. Mr. Reed was found out of compliance with his current rehabilitative order of probation at the February 2011 Board meeting, and for failing to attend his probation compliance interview during the same meeting. Evidence was presented that Mr. Reed has been in compliance with his order since the February 2011 Board meeting. After discussion, **David Sanderson** moved to rescind the revocation and resume the rehabilitative probation. Board Vice-Chair **John O'Donnell** seconded. **The motion passed** unanimously.

2. Joshua Rosenthal**Case Number C002837-12-007867**

Mr. Rosenthal was invited to the Board meeting and was not present. Mr. Rosenthal was terminated from Arrowhead hospital after an investigation was conduct when certain medication was missing from their Accudose machine. The data from the machine indicated that Mr. Rosenthal accesses the medication at the time the medicine came up missing. Mr. Rosenthal denied the allegation and was requested a for cause drug screen. After three hours of waiting, and not able to produce enough of a sample for the drug screen Mr. Rosenthal left the hospital. Evidence was presented that Mr. Rosenthal did take the medication, failed to

report for the for cause drug screen requested by the Hospital staff and a negative but dilated drug screen he submitted to the Board office after the allegation was received. After discussion, **Becky Brimhall** moved to adopt Finding of Facts and Conclusion of Laws establishing Licensee's violation of A.R.S. § 32-3552(A)(3), A.R.S. § 32-3501(10)(c)(g)(i)(j), and A.A.C. R4-45-214-1,(6). **Charles Ramirez** seconded. The motion passed unanimously.

After further discussion, **Becky Brimhall** moved to revoke Mr. Rosenthal's license to practice respiratory care. **Jose Gonzales** seconded. **The motion passed** unanimously.

R-7 CONSIDERATION AND ACTION ON PREVIOUS BOARD ACTION **Informal Interview Regarding Probation Compliance**

1. Joseph Evensiosky Case Number C002629-11-008370

Mr. Evensiosky was invited and present for the Board meeting. Mr. Evensiosky requested to have his current order of probation modified or lifted. After discussion, **Becky Brimhall** moved lift Mr. Evensiosky current order of probation. **Jeanette Kieffer** seconded. **The motion passed unanimously.**

R-8 CONSIDERATION AND ACTION ON PREVIOUS BOARD ACTION **Request for a Re-Hearing and Review**

1. Mary E. Rub Case Number C002725-11-000705, C002750-11-000705

Ms. Rub was invited and present for the Board meeting. Ms. Rub requested the re-hearing and review. Ms. Rub also requested to have the request table until the next Board meeting. After discussion, **Jeanette Kieffer** moved to table the matter. **Jose Gonzales** seconded. The motion passed unanimously.

R-9 DISCUSSION/ACTION ON SELECTION PROCESS FOR EXECUTIVE DIRECTOR

The Board discussed the selection process for the Executive Director Position. **David Sanderson** moved to create an Applicant Review Committee consisting of three members to review applications and submit several for interview by the full Board at a special meeting. **Jose Gonzales** Seconded. **The Motion Passed.**

David Sanderson moved to place Jose Gonzales, Jeanette Kieffer, and Chuck Ramirez on the Applicant Review Committee. **Jose Gonzales** Seconded. **The Motion Passed.**

R-10 ELECTION OF OFFICERS

Becky Brimhall moved to Nominate and Appoint **Jeanette Kieffer for Board Chair**. **David Sanderson** seconded the nomination. **The Motion Passed.**

David Sanderson moved to Nominate and Appoint **John O'Donnell for Board Vice-Chair**. **Becky Brimhall** seconded the nomination. **The Motion passed.**

R-10 TRAINING ON OPEN MEETING LAW AND RELATED SUBJECTS

Assistant Attorney General Nancy Beck gave an overview of the Arizona Open Meeting Law.

R-11 CALL TO THE PUBLIC

Those wishing to address the Board do not need to request permission in advance. Each person wishing to address the Board will be given five (5) minutes to do so. The Board can only take action on matters listed on the agenda. Persons who wish to raise issues or concerns not on the noticed agenda should be aware that the only procedural action that can be taken is directing staff to study the matter or to schedule the matter for further discussion at a later date.

Ms. Vanessa Birts (Storto) addressed the Board about minutes from the September 19, 2009 Board meeting and the impact that meeting has had on her respiratory care career. Board members discussed the matter and suggested that Ms. Birts submitted a request to the Board office to be placed on a future agenda to address her concerns.

R-12 ADJOURNMENT

Board Vice-Chair John O'Donnell adjourned the meeting at 2:55 p.m., without objection

DATED this ____ day of October, 2011

David Geriminsky

Executive Director